

PUBLIC LAW 97-86—DEC. 1, 1981

95 STAT. 1099

Public Law 97-86
97th Congress

An Act

To authorize appropriations for fiscal year 1982 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes.

Dec. 1, 1981
[S. 815]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Defense Authorization Act, 1982".

Department of
Defense
Authorization
Act, 1982.

TITLE I—PROCUREMENT

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1982 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons in amounts as follows:

AIRCRAFT

For aircraft: for the Army, \$1,910,200,000; for the Navy and the Marine Corps, \$9,302,500,000; for the Air Force, \$13,773,698,000, of which \$1,801,000,000 is available only for procurement of long-range combat aircraft.

MISSILES

For missiles: for the Army, \$2,146,900,000; for the Navy, \$2,567,000,000; for the Marine Corps, \$223,024,000; for the Air Force, \$4,186,846,000.

NAVAL VESSELS

For naval vessels: for the Navy, \$8,795,900,000.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, \$3,251,200,000; for the Marine Corps, \$281,739,000.

TORPEDOES

For torpedoes and related support equipment: for the Navy, \$516,600,000.

OTHER WEAPONS

For other weapons: for the Army, \$655,400,000; for the Navy, \$200,200,000; for the Marine Corps, \$136,344,000; for the Air Force, \$3,047,000.

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commercial sources or to be transferred to each such Selected Reserve from the active-duty components of the armed forces; and

"(D) the quantity of each type of major item of equipment which is expected to be retired, decommissioned, transferred, or otherwise removed from the physical inventory of the Selected Reserve of the Ready Reserve of each reserve component and the plans for replacement of that equipment.

The report required by this paragraph shall be prepared and expressed in the same format and with the same level of detail as the information presented in the annual Five Year Defense Program Procurement Annex prepared by the Department of Defense."

DEFERRAL OF PERSONNEL END-STRENGTH LIMITATIONS DURING A NATIONAL EMERGENCY

SEC. 903. Section 138(c) of title 10, United States Code, is amended by adding at the end thereof the following new paragraph:

Notification to Congress.

"(4) If at the end of any fiscal year there is in effect a war or national emergency, the President may defer the effectiveness of any end-strength limitation with respect to that fiscal year prescribed by law for any military or civilian component of the armed forces or of the Department of Defense. Any such deferral may not extend beyond November 30 of the following fiscal year. The President shall promptly notify Congress of any deferral of an end-strength limitation under this paragraph."

PROHIBITION OF CERTAIN CIVILIAN PERSONNEL MANAGEMENT CONSTRAINTS

SEC. 904. (a) Chapter 4 of title 10, United States Code, is amended by adding at the end thereof the following new section:

10 USC 140b.

"§ 140b. Prohibition of certain civilian personnel management constraints

"The civilian personnel of the Department of Defense shall be managed each fiscal year solely on the basis of and consistent with (1) the workload required to carry out the functions and activities of the department, (2) the funds made available to the department for such fiscal year, and (3) the authorized end strength for the civilian personnel of the department for such fiscal year. The management of such personnel in any fiscal year shall not be subject to any man-year constraint or limitation."

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"140b. Prohibition of certain civilian personnel management constraints."

AUTHORIZATION OF MILITARY COOPERATION WITH CIVILIAN LAW ENFORCEMENT OFFICIALS

SEC. 905. (a)(1) Part I of subtitle A of title 10, United States Code, is amended by adding after chapter 17 the following new chapter:

"CHAPTER 18—MILITARY COOPERATION WITH CIVILIAN LAW ENFORCEMENT OFFICIALS

"Sec.

"371. Use of information collected during military operations.

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PERSONNEL MANAGEMENT

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y operations.

- “372. Use of military equipment and facilities.
- “373. Training and advising civilian law enforcement officials.
- “374. Assistance by Department of Defense personnel.
- “375. Restriction on direct participation by military personnel.
- “376. Assistance not to affect adversely military preparedness.
- “377. Reimbursement.
- “378. Nonpreemption of other law.

“§ 371. Use of information collected during military operations

10 USC 371.

“The Secretary of Defense may, in accordance with other applica-
ble law, provide to Federal, State, or local civilian law enforcement
officials any information collected during the normal course of
military operations that may be relevant to a violation of any Federal
or State law within the jurisdiction of such officials.

“§ 372. Use of military equipment and facilities

10 USC 372.

“The Secretary of Defense may, in accordance with other applica-
ble law, make available any equipment, base facility, or research
facility of the Army, Navy, Air Force, or Marine Corps to any
Federal, State, or local civilian law enforcement official for law
enforcement purposes.

“§ 373. Training and advising civilian law enforcement officials

10 USC 373.

“The Secretary of Defense may assign members of the Army, Navy,
Air Force, and Marine Corps to train Federal, State, and local civilian
law enforcement officials in the operation and maintenance of
equipment made available under section 372 of this title and to
provide expert advice relevant to the purposes of this chapter.

“§ 374. Assistance by Department of Defense personnel

10 USC 374.

“(a) Subject to subsection (b), the Secretary of Defense, upon
request from the head of an agency with jurisdiction to enforce—

“(1) the Controlled Substances Act (21 U.S.C. 801 et seq.) or the
Controlled Substances Import and Export Act (21 U.S.C. 951 et
seq.);

“(2) any of sections 274 through 278 of the Immigration and
Nationality Act (8 U.S.C. 1324-1328); or

“(3) a law relating to the arrival or departure of merchandise
(as defined in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401))
into or out of the customs territory of the United States (as
defined in general headnote 2 of the Tariff Schedules of the
United States (19 U.S.C. 1202)) or any other territory or posses-
sion of the United States,

may assign personnel of the Department of Defense to operate and
maintain or assist in operating and maintaining equipment made
available under section 372 of this title with respect to any criminal
violation of any such provision of law.

“(b) Except as provided in subsection (c), equipment made available
under section 372 of this title may be operated by or with the
assistance of personnel assigned under subsection (a) only to the
extent the equipment is used for monitoring and communicating the
movement of air and sea traffic.

“(c)(1) In an emergency circumstance, equipment operated by or
with the assistance of personnel assigned under subsection (a) may be
used outside the land area of the United States (or any territory or
possession of the United States) as a base of operations by Federal law
enforcement officials to facilitate the enforcement of a law listed in
subsection (a) and to transport such law enforcement officials in
connection with such operations, if—

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Emergency
circumstance.

"(A) equipment operated by or with the assistance of personnel assigned under subsection (a) is not used to interdict or to interrupt the passage of vessels or aircraft; and

"(B) the Secretary of Defense and the Attorney General jointly determine that an emergency circumstance exists.

"(2) For purposes of this subsection, an emergency circumstance may be determined to exist only when—

"(A) the size or scope of the suspected criminal activity in a given situation poses a serious threat to the interests of the United States; and

"(B) enforcement of a law listed in subsection (a) would be seriously impaired if the assistance described in this subsection were not provided.

10 USC 375.

"§ 375. Restriction on direct participation by military personnel

"The Secretary of Defense shall issue such regulations as may be necessary to insure that the provision of any assistance (including the provision of any equipment or facility or the assignment of any personnel) to any civilian law enforcement official under this chapter does not include or permit direct participation by a member of the Army, Navy, Air Force, or Marine Corps in an interdiction of a vessel or aircraft, a search and seizure, arrest, or other similar activity unless participation in such activity by such member is otherwise authorized by law.

10 USC 376.

"§ 376. Assistance not to affect adversely military preparedness

"Assistance (including the provision of any equipment or facility or the assignment of any personnel) may not be provided to any civilian law enforcement official under this chapter if the provision of such assistance will adversely affect the military preparedness of the United States. The Secretary of Defense shall issue such regulations as may be necessary to insure that the provision of any such assistance does not adversely affect the military preparedness of the United States.

10 USC 377.

"§ 377. Reimbursement

"The Secretary of Defense shall issue regulations providing that reimbursement may be a condition of assistance to a civilian law enforcement official under this chapter.

10 USC 378.

"§ 378. Nonpreemption of other law

"Nothing in this chapter shall be construed to limit the authority of the executive branch in the use of military personnel or equipment for civilian law enforcement purposes beyond that provided by law prior to the enactment of this chapter."

(2) The tables of chapters at the beginning of subtitle A of such title and at the beginning of part I of subtitle A of such title are amended by adding after the item relating to chapter 17 the following new item:

"18. Military Cooperation With Civilian Law Enforcement Officials 371".

Report to
Congress.

(b) Not later than 30 days after the end of the 180-day period beginning on the date of the enactment of this Act, the Secretary of Defense shall submit a comprehensive report to Congress on the operation through the end of such period of chapter 18 of title 10, United States Code (as added by subsection (a)). Such report shall include findings of the Secretary concerning the effect of assistance provided under such chapter.

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